

**OPINION**  
**48-27**

March 22, 1948           (OPINION)

CITY ATTORNEY

RE: Additional Compensation for Special Services

This is in reply to your letter of March twenty-second addressed to this office in which you ask our opinion as to whether the governing board of your city may pay your city attorney additional fees for legal work drawing papers for special improvements and other special work.

Section 40-1304 of the North Dakota Revised Code of 1943 provides that, "Except where otherwise provided in this code, any officer or employee of a municipality shall receive the salary, fees, or other compensation fixed by ordinance or resolution, and after having been once fixed, the same shall not be diminished to take effect during the term for which the officer was elected or appointed."

Section 40-2001 provides for the appointment of a city attorney.

Under the provisions of section 40-1304 the governing body fixes the salary of the city attorney which would cover routine matters. However, where special services are required as in the matter of establishing improvement districts and matters which do not come within the regular routine of the office, the governing body would have a right to pay the city attorney compensation for such special work in addition to the regular annual salary. As a general rule, in the smaller cities of the state the salary of the city attorney is nominal only.

NELS G. JOHNSON

Attorney General